



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 30, 1994

Mr. Norbert J. Hart  
Assistant City Attorney  
City of Corpus Christi  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277

OR94-634

Dear Mr. Hart:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 26658.

The City of Corpus Christi (the "city") has received information relating to attendance at city council meetings. Specifically, the requestor seeks "attendance information on all members of the City Council at closed sessions from April 20, 1993 to the present" and information indicating whether "any [of the executive sessions] were canceled for lack of a quorum."

Section 551.104(c) of the Open Meetings Act (formerly V.T.C.S. art. 6252-17, § 2A(c), now Government Code chapter 551)<sup>1</sup> provides that "[t]he certified agenda or tape of a closed meeting is available for public inspection and copying only under a court order issued under Subsection (b)(3)." Gov't Code § 551.104(c); *see also* Attorney General Opinion JM-995 (1988); Open Records Decision No. 495 (1988) at 4. You advise us that the city is willing to make available to the requestor the minutes of the city council's open sessions. You advise us, however, that information indicating attendance at the closed sessions is part of the certified agenda and/or tape recordings of the closed sessions. The city may release such information only under a court order issued pursuant to the Open Meetings Act.

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<sup>1</sup> The Seventy-third Legislature repealed V.T.C.S. article 6252-17. Acts 1993, 73d Leg.; ch. 268, § 46. The Open Meetings Act is now codified in the Government Code at chapter 551. *Id.* § 1. The codification of the Open Meetings Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in cursive script that reads "Susan L. Garrison".

Susan L. Garrison  
Assistant Attorney General  
Open Government Section

SLG/GCK/rho

Ref.: ID# 26658

cc: Mr. Ruben C. Canales  
6137 Angus Drive  
Corpus Christi, Texas 78415